**THE HON'BLE SRI JUSTICE G.CHANDRAIAH**

**W.P.NO.3592 OF 1999**

**O R D E R**

This writ petition is filed for a writ of Mandamus directing the respondents 1 and 2 i.e., the Secretary, Irrigation and Command Area Development, Government of Andhra Pradesh, and the Chief Engineer, Irrigation and Command Area Development, Minor Irrigation, Government of Andhra Pradesh, to forthwith deposit the balance amount of compensation of Rs.51.17 lakhs under the provisions of the Land Acquisition Act and further direct the respondents to complete the necessary enquiry under the provisions of the Act.

2. From the affidavit filed in support of the writ petition it could be seen that one late Mohd Yousuf is the pattadar of the dry land in Sy.No.17/35/1, admeasuring Acs.84-00 situate at Advaipadra village of Yellareddipet mandal, Sircilla Division, Karimnagar and the petitioners are alleged to be his legal heirs. The 1st respondent had issued a notification under Section 4(1) of the Land Acquisition Act, 1894 on 21.3.1990 for acquiring Acs.91-21 gunts of land in Sy.Nos.17/20, 17/21, 17/351, 17/61, 58 and 59 in Advaipadra village, Yellareddipet Mandal, Karimnagar District for public purpose and the necessary gazette notification was published on 20.4.1990. It is stated that the possession of the land belonging to the petitioners and his brother which is to an extent of Acs.66-10 guntas in Sy.No.17/35/1 was taken by the respondents 3 and 4 as early as on 2.3.1971. As the proceeding with regard to award enquiry was not completed and payment of compensation was not made, the legal heirs of the brothers of the petitioners filed W.P.No.18375/1997 and this court by order dated 29.12.1997 in W.PMP.NO.22292/97 in WP.NO.18375/1997 directed the respondents to forthwith take steps for payment of compensation under the Land Acquisition Act in pursuant to the

notification issued under Section 4(1) of the Act and in pursuance thereof, an amount of Rs.11,00,000/- was deposited in the month of January, 1998. But the amount deposited in far less than the value of the land. It is stated that though there was correspondence between the respondents and also particularly the 2nd respondent also addressed letter dated 11.11.1998 to the 1st respondent for release of an amount of Rs.51.17 lakhs towards balance of compensation, no action has been taken and, therefore, the present writ petition is filed.

3. In the counter affidavits filed on behalf of respondents 1, 3 and 4, it is stated inter alia that the petitioner approached the court after lapse of nearly 28 years, and hence on the ground of latches the writ petition is liable to be dismissed.

4. It is to be seen that in the affidavit filed in support of the writ petition it is stated that the brother of the petitioner whose lands were acquired along with the lands of the petitioners, filed W.P.No.18375/1997. On enquiry by this court, it is found that the said writ petition was dismissed on 05.04.2005. As stated in the counter affidavit, the petitioners have approached this court nearly after 28 years and hence on the ground of latches the writ petition is not maintainable. Similarly view has been expressed by a Division Bench of this court in W.A.No.222/1998 dated 29.12.1998 and also the Apex Court in the decisions reported in ***STATE OF A.P. AND OTHERS v. TULJARAM BALAJI***[1] and ***STATE OF MAHARASHTRA vs. DIGAMBAR***[2].

5. In view of the above, I do not find any merit in the writ petition and the same is dismissed on the ground of latches. No costs.

AVS

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22.10.2007

[1] J.T. 10(SC) 356

[2] 1995(4) SCC 683